

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTEENTH DAY — THURSDAY, FEBRUARY 13, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 20).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hightower; Nixon; Rodriguez; Seaman.

The invocation was offered by Rabbi Roy Walter, Temple Emanu El, Houston, as follows:

Lord, God of color. God of yellow dawns and orange dusks, of plush green fields and cracked brown river beds, of blue skies and gray clouds. God of rich, black earth and the white snow that covers it, of golden sunshine and clear, lucid raindrops.

Lord, God of shapes. God of pentagons and hexagons and squares. Of elliptical orbits and triangular cones, of perfect circles and imperfect spheres. God of trapezoids and rectangles and straight lines and curves.

Lord, God of sizes. God of giant sequoias and tiny bacteria, of bottomless caverns and lofty mountain peaks, of mustard seeds and acorns and spores. God of heights and depths and breadths.

Lord, God of the human heart. God of outstretched hands and warm embraces, of acts of kindness and deeds of caring, of tenderness and thoughtfulness and love. God of compassion and mercy and affection.

Lord, God of the human mind. God of deep thoughts and interesting ideas, of abiding values and enduring concepts. Of wisdom and knowledge and understanding. God of reflection and contemplation and speculation.

Lord, God of the human spirit. God of inspiration and belief and vision, of unfaltering hope and selfless devotion, of fervent petition and eager supplication. God of worship and blessing and prayer.

Lord, God of all creation. God of everything that inhabits the earth, and the earth itself. Thank you for all your creation with its endless variety, and for our senses with which we perceive the myriad wonders of creation.

Thank you for the colors and shapes and sizes that give endless diversity to our everyday lives. Thank you for the human heart and mind and soul that set us apart from the rest of creation.

And thank you for the opportunity to serve—to care for the people and the earth you have given us. May our service always be acceptable to you, O God, the rock and redeemer of the world.

Bless, we pray, this house of government. May their deliberations be thoughtful and thorough, may their decisions be wise and just, and may the people and the earth they serve benefit from their service. Let your spirit be with them in every word they speak, in every vote they take, in every decision they make. And to this we all say, amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Seaman on motion of Williams.

Nixon on motion of Solomons.

Rodriguez on motion of Patterson.

The following member was granted leave of absence for today to attend a funeral:

Hightower on motion of Ramsay.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 7).

HR 134 - ADOPTED (by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 134**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 134, Honoring J. R. and Dorothy Pearson on the occasion of their 50th wedding anniversary.

HR 134 was adopted without objection.

HR 135 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 135**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 135, Honoring Vance and Doris Haworth on the occasion of their 50th wedding anniversary.

HR 135 was adopted without objection.

HR 136 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 136**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 136, Honoring Loren and Edna Ferguson on the occasion of their 50th wedding anniversary.

HR 136 was adopted without objection.

HR 137 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 137**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 137, Honoring Rogers and Ruby Wallis on the occasion of their 50th wedding anniversary.

HR 137 was adopted without objection.

HR 138 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 138**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 138, Honoring Dr. Henry Scott for his contributions to the field of education.

HR 138 was adopted without objection.

HR 139 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 139**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 139, Honoring Van and Louise Reynolds on the occasion of their 65th wedding anniversary.

HR 139 was adopted without objection.

HR 140 - ADOPTED
(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 140**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 140, Honoring Bob and Jane Kilcrease on the occasion of their 50th wedding anniversary.

HR 140 was adopted without objection.

PERMANENT OFFICERS OF THE HOUSE APPOINTED

The speaker requested the reading clerk to read the names of the permanent officers for the House of Representatives of the Seventy-Fifth Legislature:

Parliamentarian	Robert I. Kelly
Chief Clerk and Assistant Parliamentarian	Sharon Carter
Assistant Chief Clerk	Tim Dudley
Journal Clerk	Elena Castaldi
Sergeant-at-Arms	Rod Welsh
Reading Clerk	Fernando Gomez
Assistant Reading Clerk	Wendi Koletar
Voting Clerk	Mike Fickel
Doorkeeper	Pete Peterson
Chaplain	Gerald Mann

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4, of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

CAPITOL PHYSICIAN

The speaker recognized Representative Uher who presented Dr. J. C. Burns of West Columbia as the "Doctor for the Day."

The house welcomed Dr. Burns and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 132 - ADOPTED (by Davis)

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 132**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 132, Congratulating Billie Kerl Roberts on her receipt of the Texas Excellence Award for Outstanding High School Teachers.

HR 132 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on Revenue and Public Education Funding, 11 a.m. today, rescheduled from 2 p.m.

ADJOURNMENT

Representative Kubiak moved that the house adjourn until 10 a.m. Monday, February 17.

The motion prevailed without objection.

The house accordingly, at 10:37 a.m., adjourned until 10 a.m. Monday, February 17.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 1171 (by Alvarado), Relating to creating a lien for certain services rendered by a health care practitioner.

To Business & Industry.

HB 1172 (by S. Turner), Relating to the Texas Non-Profit Corporation Act.
To Business & Industry.

HB 1173 (by Coleman, et al.), Relating to coverage by certain health benefit plans for certain serious mental illnesses.

To Insurance.

HB 1174 (by Thompson), Relating to the requirement that certain persons obligated to pay child support pay an additional amount for child care.

To Juvenile Justice & Family Issues.

HB 1175 (by Thompson), Relating to the appointment of appellate justices and judges, to the nonpartisan election of district judges, to the retention or rejection of district and appellate judges, and to the creation of certain judicial districts.

To Judicial Affairs.

HB 1176 (by Allen), Relating to public access to conviction and deferred adjudication information and to certain sex offender registration information maintained by the Department of Public Safety.

To Public Safety.

HB 1177 (by Hochberg), Relating to certain categories of leave for state employees.

To State Affairs.

HB 1178 (by Holzheuser), Relating to the definition of a marginal gas well.

To Energy Resources.

HB 1179 (by Holzheuser), Relating to the application of the oil production tax to new or expanded enhanced recovery projects.

To Ways & Means.

HB 1180 (by Holzheuser), Relating to a limitation of liability of a licensed installer or servicer of a liquefied petroleum gas system in a motor vehicle.

To Energy Resources.

HB 1181 (by Yarbrough), Relating to the disciplinary and indefinite suspensions of certain fire fighters and police officers.

To Urban Affairs.

HB 1182 (by Yarbrough), Relating to local control of fire fighter employment matters in certain municipalities.

To Urban Affairs.

HB 1183 (by Wilson), Relating to the punishment for the offense of bigamy.

To Criminal Jurisprudence.

HB 1184 (by Wilson), Relating to the recording of certain information concerning real property.

To Business & Industry.

HB 1185 (by Hightower, Allen, et al.), Relating to the fraudulent exercise of certain governmental functions and the fraudulent creation or use of certain pleadings, governmental documents, and records; providing penalties.

To Criminal Jurisprudence.

HB 1186 (by Hightower), Relating to the continuation and functions of the Texas National Guard Armory Board.

To State, Federal & International Relations.

HB 1187 (by Hightower), Relating to the continuation and functions of the adjutant general's department.

To State, Federal & International Relations.

HB 1188 (by Danburg, Hill, Hernandez, Thompson, Averitt, et al.), Relating to a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

To Financial Institutions.

HB 1189 (by Serna), Relating to a violence prevention program for public schools.

To Public Education.

HB 1190 (by Counts, Chisum, Junell, et al.), Relating to monitoring of water quality in watersheds and river basins.

To Natural Resources.

HB 1191 (by S. Turner), Relating to the Texas Education Policy Council and the Texas Education Coordinating Council.

To Public Education.

HB 1192 (by Rhodes), Relating to the duties of law enforcement agencies to enforce protective orders.

To Juvenile Justice & Family Issues.

HB 1193 (by Rhodes and Hawley), Relating to free trial transcripts for appeals in which an affidavit of inability to pay costs has been filed.

To Civil Practices.

HB 1194 (by G. Lewis), Relating to the release of a criminal defendant on partial bail and to the procedures governing a cash bond.

To Criminal Jurisprudence.

HB 1195 (by Greenberg), Relating to required courses in reading instruction for elementary teacher certification.

To Public Education.

HB 1196 (by Tillery), Relating to the conditions of employment for firefighters.

To Urban Affairs.

HB 1197 (by Tillery), Relating to the refusal of deputy sheriffs in certain sheriffs' departments to take polygraph examinations.

To County Affairs.

HB 1198 (by Tillery), Relating to personnel records of certain sheriff's departments.

To County Affairs.

HB 1199 (by Tillery), Relating to the eligibility of certain counties to create a sheriff's department civil service system.

To County Affairs.

HB 1200 (by Cuellar, Gallego, Hodge, Dukes, et al.), Relating to the period of validity of and fees for a driver's license or personal identification certificate.
To Public Safety.

HB 1201 (by Oliveira), Relating to exempting from ad valorem taxation property owned by certain organizations constructing, repairing, and providing housing for low-income and moderate-income persons.
To Ways & Means.

HB 1202 (by Uher, Hawley, Patterson, Junell, Allen, et al.), Relating to the liability of certain persons for injury to others that occurs on real property.
To Civil Practices.

HB 1203 (by S. Turner), Relating to credit in, benefits from, and administration of certain municipal retirement systems for police officers.
To Pensions & Investments.

HB 1204 (by S. Turner), Relating to credit in and benefits from certain municipal retirement systems for police officers.
To Pensions & Investments.

HB 1205 (by S. Turner), Relating to the accumulation of sick leave by firefighters and police officers in certain municipalities.
To Urban Affairs.

HB 1206 (by Kuempel), Relating to the composition of the Municipal Solid Waste Management and Resource Recovery Advisory Council.
To Environmental Regulation.

HB 1207 (by Hupp), Relating to the transfer of the University of Central Texas to The Texas A&M University System.
To Higher Education.

HB 1208 (by Maxey and Dukes), Relating to electronically processing travel expense reimbursement vouchers for state officers and employees.
To State Affairs.

HB 1209 (by Maxey), Relating to payments to vendors doing business with state government.
To State Affairs.

HB 1210 (by Maxey and Dukes), Relating to establishing a home buyer education program.
To Urban Affairs.

HB 1211 (by Williamson), Relating to the use of public recreational facilities by certain private organizations.
To State Recreational Resources.

HB 1212 (by Averitt, et al.), Relating to health insurance portability and availability and the implementation of certain federal reforms relating to health insurance portability and availability.
To Insurance.

HB 1213 (by Solomons, et al.), Relating to solid waste landfill permits.
To Environmental Regulation.

HB 1214 (by Alexander), Relating to the requirement that a peace officer monitor certain children in the performance of community service ordered by a justice or municipal court.

To Juvenile Justice & Family Issues.

HB 1215 (by Alexander), Relating to the disposition of administrative fees collected by a justice court in certain traffic cases.

To Judicial Affairs.

HB 1216 (by Edwards), Relating to the creation and operation of the Texas Emancipation Juneteenth Cultural and Historical Commission.

To State Affairs.

HB 1217 (by Gutierrez and Kamel), Relating to contracts for fire hydrant service made with a water supply and sewer service corporation.

To Natural Resources.

HB 1218 (by Kamel), Relating to the student fee advisory committee at The University of Texas at Austin.

To Higher Education.

HB 1219 (by Uher and Oliveira), Relating to the first instructional day of a school year for public school students.

To Public Education.

HB 1220 (by Rabuck), Relating to the immunity from liability of the Texas Forest Service and its employees for damage, injury, or death caused by controlled burning planned, conducted, or supervised by the service.

To Civil Practices.

HB 1221 (by Solis), Relating to regulating leasing in certain manufactured home communities.

To Business & Industry.

HB 1222 (by Solis), Relating to the purposes for which certain municipalities may use revenue from the municipal hotel occupancy tax.

To Ways and Means.

HB 1223 (by Solis), Relating to the creation of a judicial district composed of Cameron County.

To Judicial Affairs.

HB 1224 (by Solis), Relating to the composition of certain district courts in Cameron and Willacy counties.

To Judicial Affairs.

HB 1225 (by Solis), Relating to the creation of the Arroyo Colorado Wildlife Sanctuary in Cameron and Willacy counties; providing a penalty.

To State Recreational Resources.

HB 1226 (by Price), Relating to placement of a public school student in an alternative education program.

To Public Education.

HB 1227 (by Price), Relating to removal of a public school student from the classroom.

To Public Education.

HB 1228 (by Jackson and Howard), Relating to consolidated permit processing by the Texas Natural Resource Conservation Commission.
To Environmental Regulation.

HB 1229 (by Counts), Relating to application of the professional prosecutors law to the district attorney of the 32nd Judicial District.
To Judicial Affairs.

HCR 76 (by Tillery), Honoring the Suburban Tribune.
To Rules & Resolutions.

HJR 69 (by Thompson), Proposing a constitutional amendment providing for the appointment of appellate justices and judges by the governor with retention elections on a nonpartisan ballot for those justices and judges, for the nonpartisan election and retention or rejection of district judges, for the election of certain district judges from commissioners court precincts, and for the alteration of the terms of certain judicial offices.

To Judicial Affairs.

HJR 70 (by Danburg, Hill, Hernandez, Thompson, Averitt, et al.), Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

To Financial Institutions.

HJR 71 (by G. Lewis), Proposing a constitutional amendment to lengthen the period during which a district judge may issue an order denying bail in certain criminal cases.

To Criminal Jurisprudence.

HR 128 (by Oliveira), Commemorating the 60th anniversary of Charro Days.

To Rules & Resolutions.

HR 129 (by Seaman), In memory of Stanley Louis Mikula.
To Rules & Resolutions.

HR 130 (by Seaman), Congratulating the Ganado High School Indians football team on its outstanding season.

To Rules & Resolutions.

HR 131 (by Seaman), In memory of Harry Lee Hafernick.
To Rules & Resolutions.

HR 133 (by Place), Honoring Marion McDaniel for his achievements as Poet Laureate of Comanche County.

To Rules & Resolutions.

HR 141 (by Raymond), Recognizing February 26, 1997, as Columbia's Texas Good Government Day at the Capitol.

To Rules & Resolutions.

HR 142 (by Raymond), Recognizing February 26, 1997, as Jim Wells County Day at the State Capitol.

To Rules & Resolutions.

HR 143 (by Raymond), In memory of Maximo Quintanilla, Sr.
To Rules & Resolutions.

HR 144 (by Wise), Honoring Congressman E. "Kika" de la Garza.
To Rules & Resolutions.

HR 145 (by Uher and Bonnen), Congratulating the Brazoswood Babe Ruth All-Star team on their outstanding 1996 season.
To Rules & Resolutions.

SB 148 to Higher Education.

SB 187 to Public Safety.

SB 232 to Public Education.

SB 245 to Public Education.

SCR 18 to Rules & Resolutions.

Corrections in Referral:

HB 316 (by Thompson and Wise), Relating to the creation of a record keeping system for assisting law enforcement in the location of missing children.

To Judicial Affairs from Juvenile Justice and Family Issues.

HB 409 (by Thompson, Wise, and Serna), Relating to the authority of the attorney general to negotiate with the United Mexican States regarding the enforcement of child support and child custody orders.

To Judicial Affairs from Juvenile Justice and Family Issues.

HB 410 (by Thompson, Wise, Serna, and Solis), Relating to the establishment of a statewide registry of child support and custody orders.

To Judicial Affairs from Juvenile Justice and Family Issues.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 7

HCR 60

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, February 13, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 57 Zbranek SPONSOR: Galloway
Recognizing February 12, 1997, as Chambers County Day at the Capitol.

HCR 68 Gallego SPONSOR: Madla
Honoring Manuel R. Nunez of Fort Stockton for his civic contributions.

HCR 69 Sadler SPONSOR: Ratliff
Welcoming the Rusk County delegation on the occasion of Rusk County Days.

SB 57 Zaffirini
Relating to participation of certain AFDC recipients in the job opportunities and basic skills (JOBS) training program.

SB 58 Zaffirini
Relating to continued participation by certain AFDC recipients in the jobs opportunities and basic skills (JOBS) training program.

SB 60 Zaffirini
Relating to parenting skills training for certain AFDC recipients.

SB 81 Ellis
Relating to the punishment for and the jurisdiction over certain traffic offenses committed by minors.

SB 120 Madla
Relating to the designation of a portion of United States Highway 87 in Bexar County as the Bishop Ernest T. Dixon, Jr., Memorial Parkway.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 12

Higher Education - **SB 109**

ENROLLED

February 12 - **HCR 60**

RECOMMENDATIONS FILED WITH THE SPEAKER

February 12 - **HB 376, HB 378**